



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, November 9, 2011 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	January 11, 2012

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Educator Member
Dianne Halpern, RN Member (left at 1:30 p.m.)
Kathy Bradley, LPN Member
Pamela Tyranski, RN Member
Robert Maddex, Public Member
Harland Sanders, Public Member
David Salati, RN Member
Madelyn Nellius, Public Member
Mary Lomax, Public Member
Lyron Deputy, RN Member (left at 1:00 p.m.)

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Pamela Zickafoose, Executive Director
Patty Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Tammy Ward, RN Member
Karen Murphy, LPN Member
Delphos Price, APN Member
Tracy Littleton, LPN Member

ALSO PRESENT

Tammy Paxton, DTCC-Owens Campus
Connie Bushey, M.H. Rollins School of Nursing at Beebe Medical Center
Barbara Robinson, Leads School
Rachel Joseph, Leads School
Suzanne Raab-Long, DHCC
Pat Welsh, DTCC-Stanton

Diane Arcidiacono
Olasoji Satimehin
Antoinette Emeakem
Chenui Gilbert
Sarah Knavel
Nicole Allen
Stacey Kram
Sharron Williams

Ms. Nicholson called the meeting to order at 9:10 a.m. The Board introduced themselves to the public.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on October 12, 2011. Ms. Nellius made a motion, seconded by Ms. Bradley, to approve the minutes with minor changes to page 3 and page 5. The motion carried with Dr. Lomax abstaining.

ADOPTION OF THE AGENDA

Mr. Sanders made a motion, seconded by Dr. Lomax, to adopt the agenda as amended. By unanimous vote, the motion carried.

ACTIVITIES REPORT

Dr. Zickafoose provided the report of the number and types of active licenses as of November 8, 2011.

Total Active Licenses = 19,968
APN = 1,221
RN = 15,569
LPN = 3,178
Total permits 23

UNFINISHED BUSINESS

There was no unfinished business to discuss for November.

COMMITTEE REPORTS

Rules and Regulations Committee-Mr. Deputy stated no updates at this time. The new rules posted are online.

Practice & Education Committee -Dr. Contino reported there had been no committee meeting since the last Board meeting. However, the committee plans to meet in December to review the Annual Reports due on December 1, 2011.

AWSAM Committee- Ms. Pam Tyranski reported the committee met on October 26, 2011 and this was an information gathering meeting to ascertain the scope and impact of AWSAM in Delaware. Representatives from various DHSS agencies presented where and how they use AWSAM and in what facilities. She stated a letter was received from State Street Assisted Living saying they were no longer using AWSAM. The next meeting is on November 30, 2011.

Advanced Practice Nurses Committee- Dr. Zickafoose reported for Mr. Price. The committee met on October 25, 2011 and revised the APN survey which was emailed to 1033 APNs with Delaware licenses the first week of November. The email asks for survey completion by November 15, 2011. Dr. Zickafoose stated there was a 21.8% response rate.

PRESIDENT'S REPORT

Ms. Nicholson had nothing to report this month.

EXECUTIVE DIRECTOR'S REPORT

DNA Future of Nursing - Dr. Zickafoose informed the board she attended the DNA Future of Nursing meetings and the DNA was approved as a Delaware Action Coalition (DAC). Therefore, the DNA will be initiating a website for the DAC. In the future they will be requesting letters of agreement for participating individuals and organizations. She asked if the Board of Nursing supported this initiative. Dr. Contino stated that he, Ms. Nicholson, and Ms. Halpern attended the initial meeting with Mr. Mangler. Board members discussed whether it was a conflict of interest for them to be involved and determined it was appropriate for Dr. Zickafoose to attend. Dr. Zickafoose will submit the letter of agreement to the Board in the future.

Data Integrity Project- Phase II of the Data Integrity Grant was submitted. NCSBN will vote at their December 5-7, 2011 meeting and let us know if approved. As of the end of September we had a 74.6% completion rate on errors from Phase I of the project. However, there is still a lot to do.

IRE- Dr. Zickafoose was accepted into the Institute of Regulatory Excellence (IRE) for the NCSBN and will be attending a mandatory meeting in Texas the end of January. The intended research focus will be nurses with substance use disorders.

Reminder—the Board Member Training called “Strengthening Public Protection: Raising the Bar in Changing Times” is on November 18th and the early bird session starts at 8AM sharp!

CSR/DEA Meeting- Dave Dryden will be issuing a formal statement to pharmacies and it will be on the DPR website. The outcome is that PAs and NPs can use the hospital DEA registration if only writing orders for patients in the hospital. They need their own CSR/DEA registrations if writing scripts for a pharmacy to fill. The big change is that nurses with prescriptive authority will only need one CSR instead of one for each business where s/he practices.

She wished everyone Happy & Safe Holidays!!

NEW BUSINESS BEFORE THE BOARD **LICENSEE APPLICATION REVIEWS**

By Examination

Antoinette Bundy, GN – Ms. Bundy is a GN applicant who graduated from Salem Community College in May, 2006. Ms. Bundy has failed the NCLEX exam seven times and just passed on November 3, 2011. Ms. Bundy does not meet the practice requirement and will need a supervised practice plan. Dr. Contino made a motion, seconded by Mr. Maddex, to approve Ms. Bundy to have a supervised practice plan. The motion was carried by unanimous vote.

Jattu Moussa, GPN - Ms. Moussa is a GPN applicant who graduated from Leads School of Technology on June 26, 2010. Ms. Moussa applied for licensure and the Board proposed to deny her application based on her having a charge of simple assault in her CB record. Ms. Moussa submitted a letter of explanation and disposition documents. Ms. Moussa had five positive letters of reference. At a hearing in February 2011, Ms. Moussa requested to have her application withdrawn since five years had not elapsed from the date of disposition. Mr. Sanders made a motion, seconded by Ms. Bradley, to approve Ms. Moussa to sit for the NCLEX exam. Upon passing the exam, Ms. Moussa will receive her license. The motion was carried with Mr. Salati abstaining.

By Endorsement

Shannon Boyers, RN – Ms. Boyers is a RN applicant who graduated from Delaware County Community College in May, 2007. Ms. Boyers is currently licensed in PA. Ms. Boyers' criminal background showed a charge of prostitution on August 9, 1995. Dr. Contino questioned how a person cannot know they have a conviction. Ms. Davis-Oliva stated they are often asked to sign and pay and are not informed this is a conviction. Mr. Salati stated the town has a lot of "no-tell motels" and the police round-up people and arrest them so Ms. Boyers' story was quite plausible to him. Ms. Halpern made a motion, seconded by Mr. Salati, to approve licensure by endorsement to Ms. Boyers. By unanimous vote the motion carried.

Christal Albury-Eckwood, RN – Ms. Albury-Eckwood is a RN applicant who graduated from Frederick Community College in MD on December 13, 2005. Ms. Albury-Eckwood's criminal background showed a conspiracy 3rd degree in relation to a shoplifting incident on May 24, 1999. Disposition documentation for the conspiracy charge was submitted along with her letter of explanation. Ms. Albury-Eckwood had three positive letters of reference. Mr. Deputy made a motion, seconded by Ms. Nellius, to grant licensure to Ms. Albury-Eckwood by endorsement. By unanimous vote the motion carried.

Susan Spaulding, RN – Ms. Spaulding is a RN applicant who graduated from Memorial Hospital School of Nursing in 1978. Ms. Spaulding is licensed in numerous states. Ms. Spaulding was disciplined in New York in 1996 for administering insulin instead of immunoglobulin. Ms. Spaulding submitted a detailed explanation as to how this happened. The box had the correct information on it, but the vial in the box was incorrect. She served a period of one year probation. The probation was completed and she has had no further incidents. Mr. Sanders made a motion, seconded by Ms. Halpern, to grant licensure to Ms. Spaulding by endorsement. By unanimous vote the motion carried.

By Reinstatement

There were no Reinstatement applications to review.

Advanced Practice Nurse

There were no Advanced Practice Nurse applications to review.

Renewal

There were no Renewal issues to review.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Mr. Maddex made a motion, seconded by Ms. Tyranski, to ratify the following complaint assignments given to the respective Board contact person. The motion was carried by unanimous vote.

11-104-11 Sanders
11-105-11 Price
11-106-11 Contino

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office

11-99-11

Closed Investigations by the Division of Professional Regulation

11-82-10	11-87-11	11-82-11	11-72-10
11-16-11	11-59-10	11-81-10	

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Appointment of Hearing Panel #8

Ms. Nicholson thanked the members of Hearing Panel #7: Dianne Halpern, Pamela Tyranski, and Dr. Lomax, with Dr. Contino being a substitute for October's hearing.

The new members appointed to serve as Hearing Panel #8 are: Delphos Price, David Salati, and Madelyn Nellius. The appointments were approved by unanimous vote.

Consent Agreement(s)

Lori Manifold, RN – Board members reviewed the consent agreement. Mr. Maddex made a motion, seconded by Mr. Sanders, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Karen Decker, RN - Board members reviewed the consent agreement. Ms. Halpern made a motion, seconded by Dr. Lomax, to accept and approve the consent agreement. The motion carried by majority vote with Mr. Salati opposing and Dr. Contino abstaining.

Joanne Bogardus, RN – Board members reviewed the consent agreement. Mr. Salati made a motion, seconded by Mr. Sanders, to deny the consent agreement. By unanimous vote, the motion carried.

Chief Hearing Officer Recommendations

Kwanda Knight, RN - Board members reviewed the recommendation from the Chief Hearing Officer. Dr. Lomax made a motion, seconded by Mr. Deputy, to accept and approve the recommendation from the Chief Hearing Officer. The motion carried, with Mr. Salati recusing.

HEARING PANEL FINDINGS/DECISIONS/ORDERS

There were no hearing panel decisions or orders to review.

HEARINGS

Proposed to deny hearing minutes are below.

DISCIPLINARY HEARING

There were no disciplinary hearings for November.

LEGISLATIVE UPDATE

Ms. Davis-Oliva stated she completed the Chaperone Bill and it was similar to the Medical Chaperone Bill.

Ms. Davis-Oliva also revised the Renewal of License section of the statute to include the criminal background language.

Finally, the DLTCRP proposed a new licensure category called Intensive Behavioral Support and Educational Residences (IBSER) that would utilize AWSAM. If approved this needs to be listed under the AWSAM section in our statute. The committee approved putting language in to cover this new classification.

REVIEW OF COMPLIANCE

There were no compliance issues to review for October.

PRACTICE WITHOUT LICENSURE REVIEWS (October)

There was no practicing without licensure reviews for October.

PRACTICE ISSUES

There were no practice issues for October.

EDUCATIONAL ISSUES

DTCC – Stanton Campus: Request for Clinical Site- Stanton Middle School was submitted as a new clinical site for DTCC- Stanton. Dr. Contino made a motion to approve, seconded by Ms. Bradley. By unanimous vote, the motion carried.

Camtech Faculty Request

A request was made to have Susan Kamau approved as new faculty at Camtech. Board members commented that she was approved as faculty at Leads School of Technology last month. Dr. Zickafoose stated we have no control over where nurses work. Dr. Contino made a motion to approve, seconded by Ms. Tyranski. By unanimous vote, the motion carried.

LICENSURE ISSUES

There were no licensure issues to report.

NCSBN

Dr. Contino will be attending the World Café meeting with the NCSBN as the representative for the Board of Nursing. This seminar will focus on accreditation processes.

LICENSEE RATIFICATION

Mr. Salati made a motion, seconded by Ms. Halpern, to ratify the licensee list. By unanimous vote, the motion carried.

PUBLIC COMMENT

Public members introduced themselves. Ms. Paxton clarified that the DAC is a collaborative effort between the DNA and the Delaware Healthcare Association.

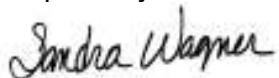
NEXT SCHEDULED MEETING

January 11, 2012 - 9:00 a.m.
861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 3:00 p.m.

Respectfully Submitted,



Administrative Specialist III
Delaware Board of Nursing

HEARING MINUTES

HEARING – Crystal Odham

The Delaware Board of Nursing held a hearing on November 9, 2011, at 11:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Robert Contino, Madelyn Nellius, Robert Maddex, Kathy Bradley, Lyron Deputy, Pamela Tyranski, and Mary Lomax

RECUSED:

EXCUSED: Tammy Ward, Karen Murphy, Tracy Littleton, and Delphos Price

PURPOSE: Proposed to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Crystal Odham

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Vera Sitze, Wilcox and Fetzer

TIME STARTED: 11:00 a.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Odham was present for the hearing. Ms. Davis-Oliva entered the documents as Board Exhibits 1 and 2. Ms. Odham entered a document as Applicant's Exhibit 1. The Board went off the record at 11:15 a.m. for deliberations. The Board went back on the record at 11:22 a.m. in order to ask Ms. Odham more questions. The Board went off the record at 11:27 a.m. for more deliberations. The Board went back on the record at 11:48 a.m. as the Board had some additional questions. The Board went off the record to finish deliberations at 11:51 a.m. The Board went back on the record at 12:10 p.m. Ms. Halpern made a motion, seconded by Ms. Nellius, to give Ms. Odham a choice to either have the Board declare a final denial to licensure by endorsement or to agree to 6 months suspension, with 5 years probation. Ms. Odham is to notify the Executive Director of the Board of her decision within 10 business days. The motion carried, with Mr. Maddex opposing. The hearing concluded at 12:13 p.m.

HEARING MINUTES

HEARING – Julius Kawie

The Delaware Board of Nursing held a hearing on November 9, 2011, at 2:02 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Harland Sanders, Robert Contino, Madelyn Nellius, Robert Maddex, Kathy Bradley, Pamela Tyranski, and Mary Lomax

RECUSED:

EXCUSED: Tammy Ward, Karen Murphy, Lyron Deputy, Dianne Halpern, Tracy Littleton, and Delphos Price

PURPOSE: Proposed to Deny

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Julius Kawie

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Vera Sitze, Wilcox and Fetzer

TIME STARTED: 2:02 p.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Mr. Kawie was present for the hearing. Ms. Davis-Oliva entered the documents as Board Exhibits 1 and 2. The Board went off the record at 2:18 p.m. for deliberations. The Board went back on the record at 2:21 p.m. Mr. Salati made a motion, seconded by Ms. Nellius, to grant a waiver to Mr. Kawie to sit for the NCLEX exam and upon passing, Mr. Kawie will receive his license. The motion carried, with Mr. Maddex abstaining. The hearing concluded at 2:24 p.m.

